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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BARTELL RANCH LLC, *et al.*,
Plaintiffs,

v.

ESTER M. MCCULLOUGH, *et al.*,
Defendants.

Case No. 3:21-cv-80-MMD-CLB
Related Case No. 3:21-cv-103-MMD-CLB
(Consolidated)

WESTERN WATERSHEDS PROJECT, *et al.*,
Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, *et al.*,
Defendants.

**JOINT MOTION TO AMEND
SCHEDULING ORDER (FIRST
REQUEST)**

1 On July 28, 2021, the Court consolidated the two separate cases, *Bartell Ranch LLC v.*
2 *McCullough*, Case No. 3:21-cv-00080-MMD-CLB (“Bartell Ranch”) and *Western Watersheds*
3 *Project, et al.*, Case No. 3:21-cv-00103-MMD-CLB (“Western Watersheds”) involving
4 challenges to the Thacker Pass Record of Decision issued in January 2021. The Court ordered
5 that the case schedules and page limits that the Court set in the Western Watersheds (ECF Nos
6 28 at 4-6, 47) apply. ECF 60.

8 In accordance with that schedule, Federal Defendants timely produced the
9 administrative record for the initial claims as filed prior to Plaintiff-Intervenors who filed their
10 motion for intervention on July 20, 2021 (the “Initial Claims”). The parties are continuing the
11 meet and confer process regarding the administrative record produced by the Federal
12 Defendants for the Initial Claims and Federal Defendants are compiling the administrative
13 record on the additional claims brought by Plaintiff-Intervenors under the National Historic
14 Preservation Act (the “NHPA Claims”). The parties jointly propose a brief extension of the
15 meet and confer process in order to attempt to resolve issues on the pending administrative
16 record and work together in an effort to propose further schedule modifications to the Court.

19 WHEREAS, the parties to this consolidated case previously submitted Case
20 Management Reports and Stipulations pursuant to Fed. R. Civ. Proc. 16 and the Court’s Orders
21 Re: Case Management Report;

23 WHEREAS, as described above, upon ordering consolidation, the Court also ordered
24 that the case schedules and page limits set in the Western Watersheds case apply;

25 WHEREAS the Federal Defendants are in the process of compiling the administrative
26 record in light of Plaintiff-Intervenors’ recently asserted claims under the the National Historic
27
28

1 Preservation Act and the Federal Defendants informed the parties that it anticipates producing
2 such record to the parties by October 1, 2021;

3 WHEREAS, the first deadline for the parties to meet and confer regarding any
4 outstanding issues or disputes regarding the content of the administrative record was August 27,
5 2021;

6
7 WHEREAS, the parties have been meeting and conferring about outstanding issues
8 regarding the content of the administrative record;

9 WHEREAS, on August 25, 2021, during a teleconference all parties agreed to extend all
10 litigation deadlines by two weeks in an effort to resolve outstanding issues and possibly avoid
11 the need for motion practice on the administrative record;

12
13 WHEREAS the parties agree to submit an updated proposed scheduling order to the
14 Court by no later than September 10, 2021, at which time the parties expect a more informed
15 proposal from the meet and confer process for the administrative record and summary judgment
16 briefing, and

17
18 WHEREAS the parties informed the Court of this anticipated motion during the hearing
19 held on August 27, 2021

20 THEREFORE, the Parties agree and stipulate that the following deadlines would apply:

- 21 1. Parties shall conclude the meet and confer process on the administrative record Federal
22 Defendants have produced on the Initial Claims by no later than September 10, 2021.
23
24 2. In the interim, all other currently existing deadlines shall be extended by 14 days.
25
26 3. The Parties shall submit an updated scheduling report to the Court by no later than
27 September 10, 2021 proposing a briefing schedule with extended deadlines from those
28 currently established, and which will be informed by the progress made during the

1 additional two week meet and confer period. At that time, the parties will inform the Court
2 whether they have been able to resolve issues with the administrative record, or will
3 include in the proposed briefing schedule a proposed s schedule for briefing any motions
4 on the administrative record.
5

6
7 Respectfully submitted this 31st day of August, 2021.
8

9 /s/ Dominic M. Carollo

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14 *Attorneys for Plaintiff-Intervenor Burns*
15 *Paiute Tribe*

16
17
18 ORDER

19 IT IS SO ORDERED

20
21 DATED this ____ day of August, 2021

22
23
24 _____
25 CHIEF JUDGE MIRANDA DU

26 UNITED STATES DISTRICT JUDGE
27
28